

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

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| In the Matter of the Suspension or |) | |
| |) | CONSENT ORDER |
| Revocation of the Educator Certificate of |) | |
| |) | OF SUSPENSION |
| Marty D. Phillips |) | |
| |) | |
| Certificate 166905 |) | |

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on May 9, 2006. On March 17, 2006, the South Carolina Department of Education (Department) sent Marty D. Phillips, a notice of his right to a hearing before the State Board concerning the possible suspension of his South Carolina educator certificate 166905 by regular and certified mail, return receipt, restricted delivery. Mr. Phillips received the notice as evidenced by a postal receipt bearing his signature. Mr. Phillips requested a hearing, but subsequently agreed, through legal counsel, to waive his right to a hearing and to accept the suspension of his certificate retroactively from January 23, 2006, until June 1, 2007, contingent upon participation in and successful completion of anger management counseling with a licensed mental health professional. After considering the information presented, the State Board voted to accept the suspension of Mr. Phillip's certificate.

Marty D.
Phillips

Initials

Date

FINDINGS OF FACT

Mr. Phillips holds a valid South Carolina certificate with over thirteen years of educator experience. During the 2005-06 school year, Mr. Phillips was under contract with Spartanburg County School District Four (District) assigned as a seventh-grade Math teacher at Woodruff Middle School. On January 23, 2006, Mr. Phillips was arrested and charged with assault and battery of a high and aggravated nature following an altercation with a fourteen-year old, male student.

Mr. Phillips allegedly used excessive force against the student by pushing him up against a wall and placing his hand around the student's neck. Mr. Phillips resigned from his employment on February 6, 2006.

CONCLUSIONS OF LAW

"The State Board of Education may, for just cause, either revoke or suspend the certificate of any person. "S.C. Code Ann. §59-25-150 (2004), S.C. Code Ann. §59-25-160 (2004); 24 S.C. Code Ann. Regs. 43-58. Just cause includes unprofessional conduct and crime against the law of this State or the United States. S.C. Code Ann. § 59-25-160 (2004). The State Board finds that the information presented supports its determination that just cause exists to suspend Mr. Phillip's certificate 166905 for a period commencing retroactively on January 23, 2006, through June 1, 2007, with the understanding that Mr. Phillips agrees to participate in anger management counseling for an appropriate period of time as determined by a licensed mental health professional. If Mr. Phillips wishes to have his certificate reinstated at the end of the suspension period, he must make a written request to the Department's Office of Educator Certification and he must pass a character and fitness review by the State Board.

South Carolina State Board of Education

By: /S/ Joe Isaac

Joe Isaac, Chair

Columbia, South Carolina
May 9, 2006

I, Marty D. Phillips, S.C. Educator Certificate 166905, do hereby agree to this Order of Suspension, consisting of two pages, and understand that this Order will be presented as signed to the State Board of Education on May 9, 2006.

/S/ Marty D. Phillips
Marty D. Phillips

4/24/06
Date